



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,710	03/26/2004	Markus Isomaki	59643.00382	8092
32294 7590 09/19/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER WILSON, ROBERT W	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,710

Applicant(s)

ISOMAKI ET AL.

Examiner

Robert W. Wilson

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/29/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(E) as being anticipated by Rosen (U.S.

Patent No.: 6,725,053).

Referring to claim 1, Rosen teaches: A method in a communication system for communication of information during establishment of a communication session (Fig 2 performs the method) the method comprising:

Including floor status information of a data communication media in relation to a part of a communication session in a message carrying communication media information for the communication session (Channel 212 includes a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23)

And sending the message from the communication system to a user equipment (The floor status message is sent from the communication manager (communication system) to the CD (user) per col. 6 line 59 to col. 7 line 23)

In addition Rosen teaches:

Regarding claim 2, wherein the step of including the floor status information comprises including the floor status information in an offer for the communication session. (Beginning floor status in response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 3, further comprising an indication that the floor is taken in the offer (Net status in response to conflicting request per col. 6 line 59 to col. 7 line 23)

Regarding claim 4, wherein the step of including the floor status information comprises including in an answer to an offer for the communication session (Beginning (answer) in response to push-to talk request per col. 6 line 59 to col. 7 line 23)

Art Unit: 2616

Regarding claim 5, further comprising including an indication that a floor is granted in the answer (Beginning floor status in response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 6, further comprising generating the message in accordance with a session description protocol (Message generated in SIP which is inherently session description protocol per col. 6 line 59 to col. 7 line 23)

Regarding claim 7, further comprising carrying the message in accordance with session initiation protocol (Control message is session invitation request which is inherently SIP per col. 6 line 59 to col. 7 line 23)

Regarding claim 8, further comprising the step of sending a request for a push-to-talk session service (Push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 9, further comprising sending the message over an internet protocol multimedia subsystem (Internet Protocol per col. 3 lines 55-56 and GSM per col. 3 lines 33 to 35 which inherently carries multimedia)

Regarding claim 10, further comprising sending the message over a general packet radio service network (GSM per col. 3 lines 33 to 35 which inherently has a GPRS)

Regarding claim 11, further comprising providing communication session by means of packet data protocol context (GSM per col. 3 lines 33 to 35 which inherently has data protocol context)

Regarding claim 12, wherein the step of sending the message comprises sending a message from an application server operatively connected to the communication system (GSM per col. 3 lines 33 to 35 which inherently has application server connected to the communication system)

Regarding claim 13, wherein the step of sending the message comprises sending a message from a push-to-talk over cellular server (sending a push-to-talk request per col. 6 line 59 to col. 7 line 23 in a GSM per col. 3 lines 33 to 35 which inherently has cellular server)

Referring to claim 14, it is within the level of one skilled in the art at the time of the invention to implement the method of claim 1 in software. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the software on a computer readable medium in order for the software to be executable on a processor.

Referring to claim 15, Rosen teaches a communication system to provide communication session (Figure 2 (communication system) providing inherent session) comprising:

A data network for providing data communication resources (combination of SIP (channel), NBS MEDIA SIGNALING, and MEDIA TRAFFIC per Fig 2 (data network) inherently provide communication resources)

Art Unit: 2616

An application server (Communication Manager per Fig 2) connected to the data communication network (combination of SIP (channel), NBS MEDIA SIGNALING, and MEDIA TRAFFIC per Fig 2 (data network)) wherein the application server includes a floor status information of a data communication media in relation to a party of a communication session in a message carrying data communication media information for the communication session and to send the message to a user equipment via the data network (The Communication Manager (application server) sends floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session to the CD (user equipment) via combination of SIP (channel), NBS MEDIA SIGNALING, and MEDIA TRAFFIC per Fig 2 (data network) the per col. 6 line 59 to col. 7 line 23)

In addition Rosen teaches:

Regarding claim 16, wherein the application server comprises push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 17, wherein the message correlates to a session description protocol (NBS MEDIA signaling message is in response to a SIP message which is inherently session description protocol per col. 6 line 59 to col. 7 line 23)

Regarding claim 18, wherein the communication system carries the message in accordance with a session initiation protocol (MEDIA signaling message is in response to a SIP message which is per col. 6 line 59 to col. 7 line 23)

Regarding claim 19, the communication system comprising an internet protocol multimedia subsystem (Internet Protocol per col. 3 lines 55-56 and GSM which inherently has subsystems per col. 3 lines 33 to 35 which inherently carry multimedia)

Referring to claim 20, Rosen teaches: an application server (CM per Fig 20 for provision of data communication session the application server comprising:

Includes a means for including floor status information of data communication media in relation to a part of a communication session in a message carrying a data communication media information for the communication session (CM has inherent processor or means for including a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23) and

sending means for sending the message to a user equipment via data network (The CM has a channels or means for sending the floor status message to the CD (user) via NBS MEDIA SIGNALING which is a part of the data network per col. 6 line 59 to col. 7 line 23)

Art Unit: 2616

In addition Rosen teaches:

Regarding claim 21, further comprising a push to talk application server (The CM (application server) sends a response to push-to-talk request per col. 6 line 59 to col. 7 line 23)

Regarding claim 22, further comprising connecting means for connecting to an internet protocol multimedia subsystem (Internet Protocol per col. 3 lines 55-56 and GSM which inherently connects to a multimedia subsystem per col. 3 lines 33, to 35)

Regarding claim 23, wherein the application server includes the floor status information in at least one of an offer for the communication session or an answer to the offer for the communication session (CM (application server) sends floor control status including beginning, end, exchange, and so on. (floor status) in response to a request for a push to talk per col. 6 line 59 to col. 7 line 2)

Referring to claim 24, Rosen teaches a communication system (Fig 3) for communication of information the communication system comprising:

A node (PDSN per Fig 3) to transmit/receive a message (PTT FLOOR REQUEST/PTT FLOOR GRANT) describing a communication session (MEDIA STREAMS) wherein the message carries data communication media information for the communication session and the floor status information of a data communication media in relation to a part of the communication session in relation to a part of the communication session (The PTT FLOOR REQUEST/PTT FLOOR GRANT (message) carries data communication media information and the floor status in relate to the STREAMs or session per Fig 3)

In addition Rosen teaches:

Regarding claim 25, wherein the message comprises the message correlation to a session description protocol (PTT Grant message is in response to a SIP message which is inherently session description protocol per col. 6 line 59 to col. 7 line 23)

Referring to claim 26, Rosen teaches: A communication system for communication of information for an establishment of a communication session (CM per Fig 20 (communication system) comprising:

Includes a means for including floor status information of data communication media in relation to a part of a communication session in a message carrying a data communication media information for the communication session (CM has inherent processor or means for including a floor control status including beginning, end, exchange, and so on. (floor status) of Media traffic (data communication media) in relation to inherent session per col. 6 line 59 to col. 7 line 23) and

Art Unit: 2616

sending means for sending the message to a user equipment via data network (The CM has a channels or means for sending the floor status message to the CD (user) via NBS MEDIA SIGNALING which is a part of the data network per col. 6 line 59 to col. 7 line 23)

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claim 14, claim 25 is directed to a computer program product. A computer program product falls under the category of a judicial exception which is non statutory subject matter. A computer readable medium encoded with instructions which perform the following steps: is statutory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 20-22 and 26 are rejected under 35 U.S.C. 112, first paragraph, for failing to provide adequate written description.

Referring to claim 20, where in the specification is means for including floor status information and sending means for sending defined?

Referring to claim 22, where in the specification is means for connecting to an internet protocol multimedia subsystem defined?

Referring to claim 26, where in the specification is means for including floor status and means and sending means for sending defined?

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-22 & 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 20, how can the examiner interpret the metes and bounds of the claim for a means for including floor status information and sending means for sending if these means are not described in the specification or shown in any Figure.

Referring to claim 22, how can the examiner interpret the metes and bounds of the claim for means for connecting to an internet protocol multimedia subsystem and if this means is not described in the specification or shown in any Figure

Referring to claim 26, how can the examiner interpret the metes and bounds of the claim for means for including floor status and means and sending means for sending if these means are not described in the specification or shown in any Figure

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, means for including floor status information and sending means for sending as well as means for connecting to an internet protocol multimedia subsystem and means for including floor status and means and sending means for sending and if these means are not described in the specification or shown in any Figure must be shown or the feature(s) canceled from the claims 20-22 & 26 respectively. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

Art Unit: 2616

must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claims 24-25 are objected to because of the following informalities:

Referring to claim 24, the examiner objects to the usage of the slash between transmit and receive because the examiner cannot determine if the slash means "and" or "or". The examiner requests that the applicant clarify the meaning. Appropriate correction is required.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert W Wilson
Examiner
Art Unit 2616

RWW
9/7/07